

MT LEGISLATIVE HISTORY

Chapter 351 1987

Bill (H) 579 S _____

Original bill & hist. ✓ C

H. Committee on Local Government

S. Committee on Local Government

Hearing Date(s) February 09 ✓ C

Hearing Date(s) 3/10 ✓ C

February 13 ✓ C

3/12 ✓ C

_____ C

_____ C

_____ C

_____ C

Date Out February 13 ✓ C

3/12 ✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

HOUSE FINAL STATUS

RETURNED TO HOUSE
 3/28 SIGNED BY SPEAKER
 3/30 SIGNED BY PRESIDENT

 3/30 TRANSMITTED TO GOVERNOR
 4/03 SIGNED BY GOVERNOR
 CHAPTER NUMBER 338 EFFECTIVE DATE: 10/01/87

HB 577 INTRODUCED BY BROWN, D., ET AL.
 TRAINING REQUIREMENT FOR PROBATION OFFICERS

2/03 INTRODUCED
 2/03 REFERRED TO JUDICIARY
 2/17 HEARING
 2/21 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/24 2ND READING PASSED 89 7
 2/24 3RD READING PASSED 95 4

 TRANSMITTED TO SENATE
 3/02 REFERRED TO JUDICIARY
 3/27 HEARING
 3/27 COMMITTEE REPORT--BILL CONCURRED
 3/30 2ND READING CONCURRED AS AMENDED 50 0
 3/30 3RD READING CONCURRED 49 1

 RETURNED TO HOUSE WITH AMENDMENTS
 4/08 2ND READING AMENDMENTS CONCURRED 84 1
 4/09 3RD READING AMENDMENTS CONCURRED 94 2
 4/14 SIGNED BY SPEAKER
 4/14 SIGNED BY PRESIDENT

 4/15 TRANSMITTED TO GOVERNOR
 4/20 SIGNED BY GOVERNOR
 CHAPTER NUMBER 544 EFFECTIVE DATE: 10/01/87

HB 578 INTRODUCED BY COHEN
 FUNDS TO THE PUBLIC SERVICE COMMISSION TO EMPLOY A
 RAILROAD SAFETY TRACK INSPECTOR

2/03 INTRODUCED
 2/03 REFERRED TO APPROPRIATIONS
 2/18 HEARING
 3/04 HEARING
 3/04 TABLED IN COMMITTEE

HB 579 INTRODUCED BY COBB, ET AL.
 ALLOW CREATION OF FIRE SERVICE AREAS -- FEES FOR
 CERTAIN RURAL FIRE SERVICES

2/03 INTRODUCED
 2/03 REFERRED TO LOCAL GOVERNMENT
 2/09 HEARING
 2/14 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/17 2ND READING PASSED 81 12
 2/18 3RD READING PASSED 80 8

 TRANSMITTED TO SENATE
 2/19 REFERRED TO LOCAL GOVERNMENT
 3/10 HEARING
 3/13 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/18 2ND READING CONCURRED 50 0
 3/20 3RD READING CONCURRED 48 1

HOUSE FINAL STATUS

	RETURNED TO HOUSE WITH AMENDMENTS		
3/25	2ND READING AMENDMENTS CONCURRED	93	0
3/26	3RD READING AMENDMENTS CONCURRED	98	0
3/31	SIGNED BY SPEAKER		
4/01	SIGNED BY PRESIDENT		
4/01	TRANSMITTED TO GOVERNOR		
4/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 351	EFFECTIVE DATE:	10/01/87

HB 580 INTRODUCED BY SWYSGOOD, ET AL.
FLASHING AMBER LIGHT ON MAIL DELIVERY VEHICLE

2/03	INTRODUCED		
2/03	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/17	HEARING		
2/17	COMMITTEE REPORT--BILL PASSED		
2/19	2ND READING PASSED	83	5
2/20	3RD READING PASSED	85	6
	TRANSMITTED TO SENATE		
2/21	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/12	HEARING		
3/13	COMMITTEE REPORT--BILL CONCURRED		
3/18	2ND READING CONCURRED	50	0
3/20	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/23	SIGNED BY SPEAKER		
3/24	SIGNED BY PRESIDENT		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 285	EFFECTIVE DATE:	10/01/87

HB 581 INTRODUCED BY MCCORMICK, ET AL.
REVISING MONTHLY INCOME STANDARD FOR GENERAL
ASSISTANCE RECIPIENTS

2/03	INTRODUCED		
2/03	REFERRED TO HUMAN SERVICES & AGING		
2/03	FISCAL NOTE REQUESTED		
2/09	FISCAL NOTE RECEIVED		
2/10	HEARING		
2/16	COMMITTEE REPORT--BILL PASSED		
2/19	2ND READING PASSED AS AMENDED	86	7
2/19	REFERRED TO APPROPRIATIONS		
2/24	HEARING		
3/04	HEARING		
3/20	COMMITTEE REPORT--BILL PASSED		
3/25	2ND READING PASSED	93	3
3/26	3RD READING PASSED	97	2
	TRANSMITTED TO SENATE		
4/03	REFERRED TO RULES		
4/07	REFERRED TO FINANCE & CLAIMS		
4/15	HEARING		
4/15	COMMITTEE REPORT--BILL CONCURRED		
4/16	2ND READING CONCURRED	50	0
4/17	3RD READING CONCURRED	46	4
	RETURNED TO HOUSE		
4/21	SIGNED BY SPEAKER		
4/22	SIGNED BY PRESIDENT		

1 House BILL NO. 579
2 INTRODUCED BY Cobb Pistorio O'Connell Manuel
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5 CREATION OF A FIRE SERVICE DISTRICT WITHIN A COUNTY TO
6 PROVIDE CAPITAL EQUIPMENT FOR EXISTING FIRE SERVICES OR TO
7 CONTRACT FOR FIRE SERVICES FOR THE PROTECTION OF THE
8 DISTRICT; AND PROVIDING THAT THE DISTRICT BE FUNDED BY RATES
9 CHARGED TO BENEFITED STRUCTURES."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Fire service district -- establishment. (1)
13 The board of county commissioners may establish one or more
14 fire service districts in the county to provide the services
15 and equipment set forth in [section 2].

16 (2) To establish a district, the board shall:

17 (a) pass a resolution of intent to form the district,
18 with notice as provided in 7-1-2121;

19 (b) hold a public hearing no earlier than 30 or later
20 than 90 days after passage of the resolution of intent;

21 (c) at the public hearing:

22 (i) accept written protests from property owners of
23 the area of the proposed district; and

24 (ii) receive general protests and comments relating to
25 the establishment of the district and its boundaries, rates,

1 service levels, or any other matter relating to the proposed
2 district; and

3 (e) pass a resolution creating the district unless by
4 the date set for the public hearing more than 50% of the
5 property owners of the proposed district protest its
6 creation.

7 (3) Based on testimony received in the public hearing,
8 the board in the resolution creating the district may
9 establish different boundaries, establish a different fee
10 schedule than proposed, or change the manner in which the
11 district will provide services to its residents.

12 (4) The board of county commissioners may alter the
13 boundaries or dissolve a fire service district, using the
14 same procedures required for the creation of a district. Any
15 existing indebtedness of a district that is dissolved
16 remains the responsibility of the owners of property within
17 the district.

18 Section 2. District services. A fire service district
19 created pursuant to [section 1] may provide residents of the
20 district with:

21 (a) fire equipment, housing for the equipment, and
22 related maintenance, for use by a fire service agency
23 providing service to the area; or

24 (b) fire protection by contracting for the services of
25 a fire service agency.

1 Section 3. Financing of district -- fee on structures.

2 (1) In the resolution creating the district and by
3 resolution as necessary thereafter, the board of county
4 commissioners shall establish a schedule of rates to be
5 charged owners of structures that are benefited by the fire
6 services offered by the district.

7 (2) The rates must be applied on a fair and equal
8 basis to all classes of structures benefited by the
9 district.

10 (3) The board of county commissioners shall collect
11 the funds necessary to operate the district by charging the
12 district rate as a special assessment on the owners of
13 structures and collect the assessments with the general
14 taxes of the county. The assessments are a lien on the
15 property so assessed.

16 (4) The board of county commissioners may pledge the
17 income of the district to secure financing necessary to
18 procure fire equipment and buildings to house fire
19 equipment. The outstanding amount of such indebtedness may
20 not exceed 7% of the assessed valuation of the district.

-End-

STATUS SHEET

50TH LEGISLATIVE SESSION

LOCAL GOVERNMENT

COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
532	1/29/87	2/4/87				2/4/87					
549	1/30/87	2/6/87		2/6/87							
560	2/3/87	2/11/87			2/11/87						
561	2/3/87	2/11/87			2/11/87						
563	1/31/87	2/4/87		2/4/87							
579	2/3/87	2/9/87				2/13/87					
587	2/3/87	2/16/87				2/16/87					
588	2/3/87	2/16/87	tabled 2/16/87								
589	2/3/87	2/9/87				2/9/87					
612	2/5/87	2/11/87		2/11/87							
624	2/5/87	2/11/87				2/11/87					
625	2/5/87	2/13/87		2/13/87							
638	2/6/87	2/9/87	tabled 2/16/87								
639	2/6/87	2/13/87				2/13/87					

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 9, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on February 9, 1987, at 1:00 p.m. in Room 312-F of the State Capitol.

ROLL CALL: Roll call was taken with all members present except for Rep. Pistoria who was excused. Lee Heiman, Committee Counsel from the Legislative Council was also present.

CONSIDERATION OF HB 589: Rep. Francis Koehnke, House District 32 and sponsor of the bill, stated HB 589 addresses a unique situation in White Sulpher Springs where the entire council and the mayor resigned at once. There was nothing in the records that could tell the city what to do. The attorney general researched the situation and found that the governor would have to appoint the positions. Rep. Koehnke stated Judy Browning from the Attorney General's Office was present to explain an amendment to the bill.

PROPOSERS: Elmer Schye, White Sulpher Springs, stated the difficulty they had in March left them without a city government for about ten days. The city attorney and county attorney did not know what could be done and Mr. Schye said they were in a bad position with no one to run the government. He said it does not happen very often but it can happen.

Robert Corkiln, White Sulpher Springs, stood as a proponent on HB 589.

Judy Browning, representing the Attorney General's Office, stated she did the research on the question when it first came from White Sulpher Springs. Ms. Browning stated there wasn't anything on the statutes because of its uniqueness. There is a provision that states if there is no procedure for filling an appointment than the governor will fill the appointment/ She said that conclusion was not popular with anyone and least of all the governor, so the bill as drafted gives local judges the authority to fill vacancies. Ms. Browning said there is a problem with the separation of powers if a judge has the ability to appoint a public official. If the bill is amended to give the county

commissioners power to fill the vacancies, she stated there should not be any problems if someone were to challenge the law.

OPPONENTS: None.

Rep. Koehnke stated according to the information Ms. Browning presented, he would like to amend the bill on page 1, line 5 to replace "district judge" with "county commissioners" and on page 1, line 22 to replace "district judge" with "county commissioners". He also wanted to add to the bill "effective upon passage".

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 589: Rep. Kitselman asked why it was necessary to have added to the bill that it be effective upon passage? Why could it not go into affect in October?

Rep. Koehnke stated that was a question which came from his constituents and possibly it may not be necessary unless something happens again before October.

The hearing was closed on HB 589.

CONSIDERATION OF HB 579: Rep. John Cobb, House District 42 and sponsor of the bill, stated he brought the bill to the committee on behalf of the Montana Volunteer Firefighters' Association. The purpose of the bill is to authorize creation of a fire service district within a county. It allocates how to pay for the equipment and a method for charging for structures in order to pay for the equipment. Section 1 of the bill tells how to establish the fire district. Section 2 of the bill explains what the money can be used for. Section 3 tells that the fire district will be financed by a fee on structures that will be collected the same way county commissioners collect other taxes. Section 3, part 4, states that the fire district can go into debt up to 7 percent of the assessed valuation of the district. Rep. Cobb stated the reason for the bill is the volunteer firefighters are having a hard time funding the equipment in those areas that form the districts. The bill is trying to allow the smaller property owners in the rural areas to form a district and tax themselves on structures instead of land in order to pay for the equipment.

PROPOSERS: Lyle Nagel, President MT Volunteer Firefighters' Association, presented a handout containing some of the statutes involved in creating the rural fire companies and explaining the reason for HB 579 (Exhibit 1). Some statutes give financing for range, farm and forest land fires but there are no statutes that give financing for

structure firefighting unless the area is in a rural fire district.

Mr. Nagel stated that a class pumper for fighting structure fires would cost a minimum of \$75,000 to buy new. Also it takes approximately \$4,000 to equip each firefighter involved in these fires. Mr. Nagel said they are fighting these fires in a lot of areas without the protection for the firemen because of lack of funds to buy the equipment. This results in the insurance carriers questioning whether they should cover them because of not being properly equipped.

Mr. Nagel commented the expenses have increased to such an extent in the past ten years that the fund raisers (bake sales, raffles, etc.) will not handle the cost. The increase in rural subdivisions have put a load on the rural fire departments. HB 579 would give the fire districts a way to come up with the funding needed.

Henry Lohr, Lobbyist Volunteer Firefighters' Association, stood in support of HB 579.

Bill Ridgeway, Lewis and Clark County Firechief and representing all the volunteer fire districts in Lewis and Clark County stated there are 19 volunteer fire departments in the county and approximately 10 are taxed-based departments. There are 6 that are strictly volunteer fire companies where the district has been set up through permission of the county commissioners and they are financed through donations. Lewis and Clark is a volunteer fire department set up under law dealing with rural fire companies for protection of wild land grass fires. Mr. Ridgeway stated he receives approximately \$4,200 per year from the sheriff's budget. Of that amount \$1,900 goes for liability on the vehicles and insurance for the volunteer fighters. His area of jurisdiction includes Unionville, all grass and wild land and structures from Broadwater Health Club to Frontiertown, a missile silo in the northern part of the county, all the homes along Hauser Lake and the Gates of the Mountains area plus he has a mutual entity agreement with the state division of lands.

Patrick Parker, representing the Cascade County Rural Fire Council and the 15 fire departments involved with it, stood in favor of HB 579.

OPPONENTS: Larry Anderson, Administrative Assistant to Missoula City Mayor, stated he was not sure he was an opponent but had questions Missoula wanted answered.

He asked if the county commissioners could create a district within the city limits? If they could, he stated they had

concerns of duplication of services and double taxation. He asked if the rates and assessments are to be done on structures, would it be necessary to classify these structures by fire lists? Mr. Anderson stated he realized the concerns of the men on the fire side but just wanted to have some questions answered.

Chuck Gibson, Acting Fire Chief for Missoula, stated he was not as yet an opponent but would also ask if the bill would have an affect on the ability to annex an area?

Alec Hansen, League of Cities and Towns, stated they had the same concerns as the men from Missoula. He was concerned that the creation of a fire district would be allowed that would include appropriating from the municipalities. He said they did not dispute the intent of the bill but wanted some clarification on how the bill would work and how it would affect the cities.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 579: Rep. Sales stated that on line 18 the notice provisions only require that there be a public notice. He asked Rep. Cobb if there would be any objection in having a notice to be mailed to the property owners in the affected district?

Rep. Cobb stated he did not have any objections.

Rep. Sales was concerned with the time period for protests. He said that if there was a hearing so people could become acquainted and knowledgeable about the district, then there could be a period of at least 60 days so they could get protests in before the resolution could be passed.

Rep. Cobb stated he did not have objection to this and could amend the bill to do this.

Rep. Sales asked about the affect on annexation and could overlapping districts be created where there would be double assessments?

Lee Heiman responded that the overlapping of districts could be done under the bill the way it stands now. He would check on the annexation issue.

Rep. Cobb suggested that they get together after the hearing to straighten out the problems.

Rep. Gould commented to Rep. Cobb that the Planned Community Development Act of 1973 will give the protection that Missoula is looking for.

Rep. Cobb closed on HB 579.

Rep. Wallin appointed a subcommittee with Rep. Brandewie as Chairman and Rep. Darko and Rep. Grinde as members to handle HB 579 and HB 405 to try and form one bill to address the financing of the fire districts.

CONSIDERATION OF HB 638: Rep. Kelly Addy, House District 94 and sponsor of the bill, commented the bill was introduced on Friday and was being heard today because of the request of the Chairman to hear the bill as there was time in committee. He said because of this he was not able to notify the Yellowstone County Commissioners or other persons who might testify on the bill and the hearing would be short but felt the issues could be aired adequately.

HB 638 involves local improvement districts. An example would be people who live outside the city limits who want to create a local improvement district so they can build roads, or improve roads in rural areas. Rep. Addy stated the main provision in the bill is in the first sentence of Section 1. Currently the bill allows for 135 percent of the total taxable value of parcels of land. Rep. Addy stated that isn't enough to build very many roads and HB 638 proposes to change that to read 75 percent of total assessed value of the parcels of land. He said there is still a limitation. It has to be agreed upon by the property owners in the area and it requires cooperation by the county.

Rep. Addy said the county can't ask the people in the rural areas to participate in paying for the cost of the roads and at the same time, the people who live in the rural areas of counties are unable to ask the county to participate in the cost of roads. By changing this limitation it is hoped to make this a viable option for people who live in the rural areas.

PROPOSERS: Gordon Morris, MACo, stated he was not sure if he was a proponent or opponent on HB 638. He said there would probably be more merit to repeal Part 27 in its entirety than to try to amend it because the RSID statutes can be used for purposes of building roads. He said section 7-14-2703 creates major problems because it requires that not less than 35 percent and as much as 75 percent of the costs be assumed by the district. If the county commissioners are petitioned through the local improvement route and agree to bear the cost of not less than 35 percent of the total cost of the project and not more than 75 percent it means the county is being obligated for a minimum 25 percent of the cost through an LID situation. That cost is associated with a very small segment of the total population of the county.

Lyle Nagel Simms President
Lyle Hacke Libby Vice President at Large
Art Korn Butte Secretary-Treasurer

Tom Wood
Paul Krahn
Chuck Gray
Richard N. Clements
Garry Adams
Kenneth Connor
Tom Southland
Jesse Schell

Libby Vice-Pres. Dist. #1
Hamilton Vice-Pres. Dist. #2
Belt Vice-Pres. Dist. #3
Sheridan Vice-Pres. Dist. #4
Malta Vice-Pres. Dist. #5
Big Timber Vice-Pres. Dist. #6
Scobey Vice-Pres. Dist. #7
Plevna Vice-Pres. Dist. #8

Montana State Volunteer Firefighter's Association

From the Office of
Lyle Nagel, President, Lobbyist

EXHIBIT 1
DATE 2-9-87
HB 579

House of Representatives
Local Government Comm.

ARTCRAFT, BUTTE

Feb. 9, 1987

RE: HB. 579

Committee Members:

H.B. 579 came to be introduced because of a resolution that was introduced to, and passed by unanimous vote at our annual convention held in Dillon Mt. June 5,6,7, 1986. The purpose of the resolution was to have our assn. introduce a bill that would provide for funding of fire protection based a fee system assessed on structures on the property.

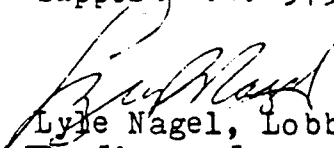
7-33-2202 (1) (b) and 7-33-2311 MCA. provide the means by which volunteer fire companies in unincorporated and rural areas may be established.

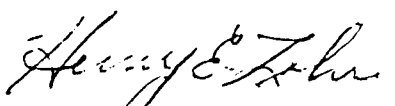
7-33-2209 MCA. provides a means by which county commissioners may fund fire protection for range, farm and forest land. Also, a cooperative agreement with the Dept. of State Lands may be signed by the county commissioners. This results in at least some of the counties having access to some state owned wildland fire fighting equipment.

Nowhere in the statutes is there a provision for funding fire protection for improvements in rural or unincorporated areas. H.B. 579 would remedy this problem. There is one way to provide this protection and that is by forming fire districts under 7-33-21 MCA. This has proven to be impossible in areas where there are large farms or ranches with one owner. Under the present statutes they control enough land to prevent the forming of fire districts.

The increase in rural subdivisions has added greatly to the problem. This property needs some way to fund fire protection and H.B. 579 will provide that protection.

The Mt. State Volunteer Firefighters Assn. ask you to please support H.B. 579.


Lyle Nagel, Lobbyist


Henry Lohr, Lobbyist

Dedicated to the Betterment of the Fire Fighting Service

It is not what this Association is doing for you, but what are you doing for the Association

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

2/24/87

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. BUDD GOULD	✓		
REP. REP. TIMOTHY WHALEN	✓		
REP. PAULA DARKO	✓		
REP. TOM BULGER	✓		
REP. JAN BROWN	✓		
REP. BOB GILBERT	✓		
REP. LARRY GRINDE	✓		
REP. WALTER SALES	✓		
REP. STELLA JEAN HANSEN	✓		
REP. PAUL PISTORIA			✓
REP. ROBERT HOFFMAN	✓		
REP. LES KITSELMAN	✓		
REP. JACK RAMIREZ	✓		
REP. DAVE BROWN	✓		
REP. CAROLYN SQUIRES	✓		

VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. HB 579

DATE February 9, 1987

SPONSOR REP. COBB

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Wyle Nagel	Mt. St. Vol. Fire Fighters Assn	✓	
Tim Murphy	Dept St. Hands		
Larry Anderson	City of Issaquah		
Henry S. Zehr	Mt. St. Vol. Fire Fighters Assn	X	
R. A. E. Ho	Helena Valley	X	
Patrick Parker	Cascade County Rural FIRE	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 13, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on February 13, 1987 at 12:30 p.m. in Room 312-F of the State Capitol.

ROLL CALL: Roll call was taken with all members present. Reps. Bulger, Gilbert, Ramirez and Sales joined the meeting at 1:00 p.m. Lee Heiman, Committee Counsel, from the Legislative Council was also present.

CONSIDERATION OF HOUSE BILL 639: Rep. Dick Corne, House District 77 and sponsor of the bill stated HB 639 would provide for the registration of individuals to act as process servers. He stated Sections 1 through 8, pages 1 through 4, were the new language that provided for registration of process servers, established fees, bonding requirements, revocation or suspension of certificates and required proof of service. Sections 9 through 27, pages 5 through 13 add to the existing statutes the words "registered process server". Rep. Corne stated this responsibility is primarily carried out by sheriffs and their departments and they could better utilize their time. Rep. Corne proposed an amendment to be inserted in Section 4, page 3 following line 6 (Exhibit 1).

PROPONENTS: Larry Jent, Bozeman Attorney, stated the first purpose of the bill was to clarify existing law by specifically allowing a private person, if licensed and bonded by the state, to serve writs of execution, writs of garnishment and so forth. He commented that law enforcement is needed only during the execution process for seizing a vehicle to pay a judgement. When a vehicle needs to be picked up, the sheriff's department goes with a tow truck operator to get the vehicle. Mr. Jent stated there would be no difference in a private person with a badge going with the tow truck operator than a sheriff going.

Mr. Jent stated the rest of the actions contemplated by the bill involve the serving and delivery of court papers. The bill establishes controls and registration over those people who serve as private process servers.

He stated that often a writ of execution stays in the sheriff's office for four to five days or longer before being served. Often people who owe money or have property which could be held for the judgements are present in the

Rep. Ramirez moved to DO NOT PASS HB 676.

Rep. Ramirez thought the bill would require a tremendous amount of work to take care of the problems. He stated the bill mentioned other personal property which could mean anything. He said there might be a way to work around the limits but there was a problem with the accumulative impact on the taxable value. He felt there was not enough time in the coming week to spend on the bill.

Rep. Brandewie spoke in favor of Rep. Ramirez's motion. He stated the bill was wide open.

Rep. Sales felt there was real merit to the bill but would not vote for it without knowing if in any way other limits were being avoided in the law. He asked Lee Heiman to explain what Section 5 meant.

Mr. Heiman explained that the bill did not take the place of any other manner of local governments going into debt.

Rep. Bulger stated, in the interest of time, he would move to TABLE HB 676.

Rep. Bulger stated if there were merit to the bill, Rep. Kadas would have a chance to save or reconstruct it in the following days.

The question was called and the motion carried unanimously.

DISPOSITION OF HOUSE BILL 405: Rep. Darko moved to TABLE HB 405. The question was called and the motion carried unanimously.

DISPOSITION OF HOUSE BILL 579: Rep. Brandewie moved to DO PASS HB 579. He moved the amendments proposed by the subcommittee (Exhibit 4).

Rep. Brandewie explained the amendments. He said the amendments answered the concerns of the committee during the hearing on the bill. He stated HB 405 was tabled because it was not workable and HB 579 satisfied the problems of Rep. Grady's people and of the unclear gray areas for setting up a fire district. He said it also took care of the large landowner who does not want to be taxed on the basis of land because of being in a regular fire district.

Rep. Ramirez was concerned that the bill was not equitable because the fire organizations would still fight the range and crop fires of the large rancher and the rancher would pay only on the basis of structures. He did not feel that was fair to the small homeowner.

Rep. Brandewie commented that range and timberland was paying every year on a peracre basis to the Department of State Lands. He said the big landowner was paying for his land for fighting wildland fires. The fire companies fight the structure fires but do not have to fight the grass or range fires.

Rep. Gilbert felt it was a landowner's relief act. He asked what statute states the farmer pays State Lands for fire protection? He asked how much does he pay?

Rep. Brandewie stated he could not give the statute but knew timberland and rangeland pays. He said no one is paying right now for the service of the fire company and so no one is being relieved. The group of dedicated citizens that call themselves a fire company are out raising money by themselves and fighting the peoples' fires but have no way of generating money to buy capital equipment. The bill will require the owner of the structures to pay something that he is not paying now.

Rep. Brandewie responded to Rep. Gilbert's concern on fee assessments that the board of county commissioners would set up the fire district and may put the assessments on a square foot basis for buildings. They did not address that but left it up to the people in the district and the county commissioners.

Rep. Bulger stated in order for a fire company to be established, there would be a hearing and the county commissioners would have to vote it in. Many of the objections could be brought up then. He did not think an additional burden of cost was put on the ratepayers in the group. He commented if he owned a trailer and paid a fee to the district and one day they helped fight a grass fire that would not particularly impact how much he paid. He would get his service for the rate he asked for.

Rep. Ramirez agreed with Rep. Bulger but felt the bill could be more equitable if something was added so if a landowner wanted extra protection on land or equipment he could pay an extra fee. He said limitations were needed so the fire companies would not be created and have to fight all types of fires.

The question was called on the subcommittee amendments. The motion carried with Reps. Gilbert, Hansen and Ramirez voting no.

Rep. Sales moved to AMEND HB 579 to require written notice and a 60-day protest period after the original meeting. The question was called and the motion carried unanimously.

Rep. Brandewie moved to DO PASS HB 579 AS AMENDED. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 531: Rep. Ramirez moved to DO PASS HB 531. He moved his proposed amendments (Exhibit 5). Rep. Ramirez explained the amendments. The question was called and the motion carried unanimously.

Rep. Squires offered an amendment to HB 531 (Exhibit 6). She explained that the amendment dealt with the issue of collective bargaining units within some of the city/county offices.

Rep. Squires moved the amendment.

Rep. Bulger asked if the amendment would give municipalities a special force or just the ability if both sides agreed to open up the contracts?

Lee Heiman replied it did not open it up for renegotiating as a requirement but as an option.

Rep. Squires responded also it dealt with issues of the hours of work but no other portion of the contract would be touched unless agreed upon at the bargaining table to do that.

The question was called and the motion carried unanimously.

Rep. Gould moved DO PASS on HB 531 AS AMENDED. The question was called and the motion carried with Reps. Darko, Hoffman, Pistoria and Whalen voting no.

DISPOSITION OF HOUSE BILL 450: Rep. Pistoria stated he accepted the amendment from the subcommittee.

Rep. Gilbert moved to DO PASS HB 450 and he moved the subcommittee amendments (Exhibit 7). He explained the amendments. The question was called and the motion carried unanimously.

Rep. Hansen moved to DO PASS HB 450 AS AMENDED. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 638: Chairman Wallin stated that Rep. Addy had brought in an amendment. He read the amendment which had stricken subparagraph 4 on page 1, line 25 in its entirety and inserted "local improvement districts shall be subject to availability of the county road budget up to 10 percent of funds annually budgeted for construction and maintenance of county roads".

Amend House Bill 579
Subcommittee Recommendations Feb. 13, 1987

1. Title, line 5.
Strike: "DISTRICT"
Insert: "AREA"
Following: "WITHIN"
Insert: "UNINCORPORATED AREAS NOT PART OF A RURAL FIRE DISTRICT
IN"
2. Title, line 8.
Strike: "DISTRICT" in both places
Insert: "AREA"
3. Page 1, line 12.
Strike: "district"
Insert: "area"
4. Page 1, line 14.
Strike: "districts in"
Insert: "areas"
Following: "in"
Insert: "areas within unincorporated areas not part of a rural
fire district in"
5. Page 1, line 17.
Page 1, line 23.
Page 2, line 11.
Page 2, line 13.
Page 2, line 17.
Page 2, line 18, following "service"
Page 2, line 20.
Page 3, line 12.
Page 3, line 20.
Strike: "district"
Insert: "area"
6. Page 2, line 18.
Strike: "District"
Insert: "Area"
7. Page 1, line 16.
Page 1, line 25.
Page 2, line 2.
Page 2, line 3.
Page 2, line 5.
Page 2, line 8.
Page 2, line 14.
Page 2, line 15.
Page 3, line 1.
Page 3, line 2.
Page 3, line 6.
Page 3, line 9.
Page 3, line 11.

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/13/87

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. BUDD GOULD	✓		
REP. REP. TIMOTHY WHALEN	✓		
REP. PAULA DARKO	✓		
REP. TOM BULGER	✓		
REP. JAN BROWN	✓		
REP. BOB GILBERT	✓ 10-		
REP. LARRY GRINDE	✓		
REP. WALTER SALES	✓ 10-		
REP. STELLA JEAN HANSEN	✓		
REP. PAUL PISTORIA	✓		
REP. ROBERT HOFFMAN	✓		
REP. LES KITSELMAN	✓		
REP. JACK RAMIREZ	✓ 10-		
REP. DAVE BROWN		✓	
REP. CAROLYN SQUIRES	✓		

STANDING COMMITTEE REPORT

Vonnies Copy Standing Com Reported February 13 19 87

Mr. Speaker: We, the committee on LOCAL GOVERNMENT

report HB 579

☒ do pass ☐ be concurred in ☒ as amended
☐ do not pass ☐ be not concurred in ☐ statement of intent attached

Rep. Norm Wallin

Chairman

1. Title, line 5.

Strike: "DISTRICT"

Insert: "AREA"

Following: "WITHIN"

Insert: "UNINCORPORATED AREAS NOT PART OF A RURAL FIRE DISTRICT
IN"

2. Title, line 8.

Strike: "DISTRICT" in both places

Insert: "AREA" in both places

3. Page 1, line 12.

Strike: "district"

Insert: "area"

4. Page 1, line 14.

Strike: "districts in"

Insert: "areas within unincorporated areas not part of a rural
fire district in"

5. Page 1, line 17.

Page 1, line 23.

Page 2, line 11.

Page 2, line 13.

Page 2, line 17.

Page 2, line 18, following "service"

Page 2, line 20.

Page 3, line 12.

Page 3, line 20.

Strike: "district"

Insert: "area"

6. Page 1, line 18.

Following: "with"

Insert: "public"

following: 7-1-2121"

Insert: "and written notice as provided in 7-1-2122"

FIRST

WHITE

reading copy ()
color

Rep. Norm Wallin, Chairman

7. Page 2, line 3.

Strike: "district"

Insert: "fire service area. The area is created effective 60
days after passage of the resolution"

8. Page 2, line 4.

Following: line 3

Strike: "the"

Insert: "that"

Strike: "set for the public hearing"

9. Page 2, line 12.

Strike: "District"

Insert: "Area"

10. Page 1, line 16.

Page 1, line 25.

Page 2, line 2.

Page 2, line 5.

Page 2, line 8.

Page 2, line 14.

Page 2, line 15.

Page 3, line 1.

Page 3, line 2.

Page 3, line 6.

Page 3, line 9.

Page 3, line 11.

Page 3, line 17.

Strike: "district"

Insert: "fire service area"

7. Page 2, lines 22 and 23.

Strike: "of the area of"

Insert: "within"

STATUS SHEET

SENATE LOCAL GOVERNMENT COMMITTEE

50th LEGISLATURE

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 532	Eliminate receipts by county treasurer for mail and electronic payments	Feb. 10	Poulsen	March 17	BE CONCURRED IN	March 17
HB 549	An act authorizing multijurisdictional service districts for airports	Feb. 11	Mercer	March 10	Tabled March 12	
HB 561	County commissioners to uniformly set elected officers' salaries	Feb. 19	Simon	March 17	BE NOT CONCURRED IN AS AMENDED	March 19
HB 563	Authorize issuance of duplicate municipal warrants and checks	Feb. 10	Schye	March 5	BE CONCURRED IN	March 5
HB 579	Allow creation of fire service areas -- fees for certain rural fire services	Feb. 19	Cobb	March 10	BE CONCURRED IN AS AMENDED	March 12

50TH LEGISLATIVE SESSION
MINUTES OF THE MEETING
LOCAL GOVERNMENT
MONTANA STATE SENATE

March 10, 1987

The seventeenth meeting of the Senate Local Government Committee was called to order on March 10, 1987, at 1:00 p.m. in Room 405 of the Capitol by Chairman Bruce Crippen.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 549: Representative Mercer, House District #50, said that service districts can be formed for airports if more than 50% of the landowners agree, under this bill. They will no longer be restricted by city boundaries or county boundaries. He said there is some dispute in his county at present, but this bill does not mandate it be done, only allows it if more than 50% of the landowners agree.

PROPOSERS: Gordon Morris, MACo, said this is a bill that was supported by MACo in 1986 and now supports the additional language to include airports.

OPPOSERS: There were no opponents.

QUESTIONS FROM THE COMMITTEE ON HOUSE BILL 549: Senator Pineseault said he had heard from a constituent who had hoped fire districts would be added to the bill, and asked if that had been considered. Rep. Mercer said it had, but was attempting to keep the bill as simple as possible. Mr. Morris said that current statutes provide for them. There is presently one that overlaps from Lake to Missoula County.

Senator Eck asked about the multi-jurisdictional bill passed in 1985. Mr. Morris said it had not been actually used. The intent of that bill had been jails. It was, he said, simply an authority on the books which can be utilized.

Senator Harding asked who requested this legislation. She was told the mayor of the city of Polson, who apparently had been requested by a group of residents. Rep. Mercer, in closing, said the statute was being used to build a library, and it was thought the bill could provide for an airport for Polson. The hearing was closed.

LOCAL GOVERNMENT

March 10, 1987

Page 2

CONSIDERATION OF HOUSE BILL 579: Rep. Cobb, House District 42, said the bill allows creation of fire service areas and fees for certain rural fire services. He said it is difficult to raise money to support rural fire districts, and this would raise money through the tax system. Section 3 is the heart of the bill, and explains how the fire areas are financed.

PROPONENTS: Lyle Nagel, president of the Montana State Volunteer Firefighters Association, said because it has gotten to be a difficult thing to form a fire district, all the firefighters made a resolution at their convention to solve the problem in this way. Structure fires in rural areas are not addressed in statute. The large landowners have objected to being levied on the land they own, as they might have few structures. He said Senator Story has amendments to the bill and he has no objection to them. Testimony of Lyle Nagel is attached as Exhibit 1.

Ray White, Gallatin County Commissioner, appeared to support the bill but presented several amendments. He strongly disagreed with having the county commissioners run the proposed fire area and explained the amendments. (See Exhibit 2) The subscription fee of \$35 for homes and \$50 for commercial buildings had worked well. However, his fire department had let a non-subscribing home burn down and had been in litigation for 5 years over it. This bill would correct that problem. He proposed a board of trustees to manage the district. He felt the 7% figure was far too much and would allow a small district to get too much in debt.

Tom O'Hara, Cascade County Rural Fire Coordinator from the Cascade County Sheriff's department, feels this is needed even if it may put him out of a job. There are two types of fires - wild land and structure. State law pretty well takes care of the wild land fires, but the structure fires need to be addressed, the cost and safety in particular. The money that is available is used to keep the doors open on the fire houses instead of buying helmets and boots. The money must be provided for to eliminate possible death or injury to the volunteer firefighters. Henry Lohr, Montana State Volunteer Firefighters Association, urged passage of the bill.

OPPONENTS: There were no opponents.

QUESTIONS FROM THE COMMITTEE ON HOUSE BILL 579: Senator Story distributed amendments to the committee, which are attached as Exhibit 3. He said he felt the fire area should be established by petition and proposed the amendment for that reason and to allow for sparsely populated areas by stipulating a "majority" of property owners, if it is not possible there are 30 to sign a petition. He said that remote property owners may not have any benefit from a fire area as they live too far away from a fire department.

Senator Beck asked how the schedule of rates was determined. Mr. White said a budget is drawn up and that is divided by the number of households. In his fire district the fee is \$35 and it is \$50 for commercial structures. In a sparsely populated area it can run as high as \$100 per year. If a department becomes indebted, a debt retirement has to be worked out. These set fees are considerably less than what a rancher pays on a tax district because a tax district takes in cattle, machinery, bare land, etc.

Senator Beck said in his district the property owners are not taxed for cattle, machinery, or bare land, but for the structures that need fire protection. He asked what was the difference between this bill and present statute. Mr. White said this bill is very close to present day law, but he objected to the provision of the county commissioners running the fire area.

Senator Walker said as a point of interest, the professional firefighters in Great Falls are allowed to contract out and fight fires within 5 miles of the city limits. However, liability is a problem and also directions can be confusing.

Senator Beck asked if the cost for this bill would be collected by taxes. Mr. White said it would be levied.

Senator Eck said a \$10 limit on county fees had been passed by the legislature, and wondered if this would be in conflict with that law. It was the consensus it would not.

Senator Story asked Senator Beck what law his fire district used providing for fees on the structures only. Senator Beck said he didn't know. Karen Renne, staff researcher, said Powell County might be deviating from statute.

Senator Hammond felt the law should be broadly written so different districts could handle their own problems in the best way for their areas.

Senator Eck said Burlington Northern did not pay to fire districts but would pay bills submitted to them. She thought this might have to be taken into consideration.

Rep. Cobb said he knew there were some problems with the bill and hoped they could be worked out. He closed the hearing.

Chairman Crippen suggested everyone with amendments meet with the staff researcher, work out the amendments and bring them back to the committee for action.

CONSIDERATION OF HOUSE BILL 783: Rep. Brandewie of Bigfork, District 49, said this bill was to repeal a bill he had sponsored in a previous session that had proved confusing. He had promised to repeal it if it did not turn out well, and he was doing just that. He presented a letter from the office of the Valley County Attorney which explained the problems in the law. (See Exhibit 4)

PROPONENTS: Robert Holding, Montana Association of Realtors, agreed with Rep. Brandewie, and supported the bill.

Bill Spilker, Helena realtor, said the law has been unclear and confusing to county officials. Even the Attorney General wouldn't issue an opinion on what was "appropriate" and "suitable". Good intentions turned out badly.

Gordon Morris, MACO, thanked Senator Story and Rep. Brandewie for their part in undoing a confusing law.

OPPONENTS: There were no opponents.

QUESTIONS FROM THE COMMITTEE ON HOUSE BILL 783: None.

Rep. Brandewie closed the hearing.

DISPOSITION OF HOUSE BILL 783: Senator Story moved that House Bill 783 BE CONCURRED IN. The motion PASSED UNANIMOUSLY.

CONSIDERATION OF HOUSE BILL 612: Rep. Roth, Billings, House District 96, said the bill requires if a county water or sewer district is dissolved, the assets be given to the owners of land within the district, the same percentage of the assets as the owner's land is a percentage of the total district area.

Lyle Nagel Simms President
Lyle Hacke Libby Vice President at Large
Art Korn Butte Secretary-Treasurer

Tom Wood
Paul Krahn
Chuck Gray
Richard N. Clements
Garry Adams
Kenneth Connor
Tom Southland
Jesse Schell

Libby Vice-Pres. Dist. #1
Hamilton Vice-Pres. Dist. #2
Belt Vice-Pres. Dist. #3
Sheridan Vice-Pres. Dist. #4
Malta Vice-Pres. Dist. #5
Big Timber Vice-Pres. Dist. #6
Scobey Vice-Pres. Dist. #7
Plevna Vice-Pres. Dist. #8

Montana State Volunteer Firefighter's Association

From the Office of
Lyle Nagel, President, Lobbyist

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1
DATE 3-10-87
BILL NO. HB 579

House of Representatives
Local Government Comm.

Feb. 9, 1987

RE: HB. 579

Committee Members:

H.B. 579 came to be introduced because of a resolution that was introduced to, and passed by unanimous vote at our annual convention held in Dillon Mt. June 5,6,7, 1986. The purpose of the resolution was to have our assn. introduce a bill that would provide for funding of fire protection based a fee system assessed on structures on the property.

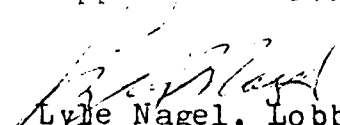
7-33-2202 (1) (b) and 7-33-2311 MCA. provide the means by which volunteer fire companies in unincorporated and rural areas may be established.

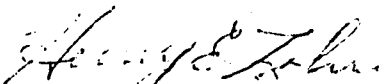
7-33-2209 MCA. provides a means by which county commissioners may fund fire protection for range, farm and forest land. Also, a cooperative agreement with the Dept. of State Lands may be signed by the county commissioners. This results in at least some of the counties having access to some state owned wildland fire fighting equipment.

Nowhere in the statutes is there a provision for funding fire protection for improvements in rural or unincorporated areas. H.B. 579 would remedy this problem. There is one way to provide this protection and that is by forming fire districts under 7-33-21 MCA. This has proven to be impossible in areas where there are large farms or ranches with one owner. Under the present statutes they control enough land to prevent the forming of fire districts.

The increase in rural subdivisions has added greatly to the problem. This property needs some way to fund fire protection and H.B. 579 will provide that protection.

The Mt. State Volunteer Firefighters Assn. ask you to please support H.B. 579.


Lyle Nagel, Lobbyist


Henry Lohr, Lobbyist

Dedicated to the Betterment of the Fire Fighting Service

It is not what this Association is doing for you, but what are you doing for the Association

Ray White

EXHIBIT NO. 2
DATE Aug. 2 3-10
BILL NO. HB 579

HOUSE BILL 579

Amend Line 22, Page 1

Delete - Pass a resolution of intent to form the area

Add - Section (2), paragraph (a) - The Board of County Commissioners shall pass a resolution of intent upon presentation of a petition in writing signed by the owners of 50% or more of the property owners of the proposed Fire Service Area.

Add line 2 Page 3 - Any assets remaining after all indebtednesses have been satisfied shall be returned to the owners of property within the area.

Add to Section (3) - Whenever the board of County Commissioners have established by resolution of a Fire Service Area, they shall appoint 5 qualified trustees to govern and manage the affairs of the area.

"Powers and duties of trustees" (1) The trustees shall prepare and adopt suitable bylaws.

(2) The trustees shall have the authority to provide adequate and standard firefighting apparatus, equipment, housing, and facilities for the protection of the district. They shall appoint and form fire companies that shall have the same duties, exemptions, and privileges as other fire companies.

(3) The trustees shall prepare annual budgets and request special rates therefor. The budget laws relating to county budgets shall, as far as applicable, apply to fire areas.

"Details relating to board of trustees of fire service areas"

(1) The five trustees initially appointed by the county commission shall hold office until their successors are appointed.

(2) The term of office shall be 3 years beginning at the first district meeting following their appointment and continuing until

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3-10-87
HB 579

their successors are appointed and qualified. Appointments to fill vacancies shall be made by the county governing body.

(3) The trustees shall organize by choosing a chairman and appointing one member to act as secretary.

Line 2, Page 4 - delete board of county commissioners and add board of trustees of fire service area.

Line 6, Page 4 - delete assessed and add taxable

Senate Committee on Local Government

March 10, 1987

AMENDMENT TO HOUSE BILL 579
(requested by Senator Story)

1. Page 1, line 15.

Following: "(1)"

Strike: "The"

Insert: "Upon receipt of a petition signed by at least 30
property owners of the proposed service area, or by a
majority of the property owners if there are no more
than 30 property owners in the proposed service area,
the"

Senate Local Government

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Nov 10, 1987

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN	X		
R. J. PINSONEAULT	X		
TOM BECK	X		
DOROTHY ECK	X		
H. "SWEDE" HAMMOND	X		
ETHEL HARDING	X		
LES HIRSCH	X		
PETER STORY	X		
ELEANOR VAUGHN	X		
MIKE WALKER	X		

Each day attach to minutes.

(This sheet to be used by those testifying on a bill.)

NAME: DM O'HARA DATE: 3-10-87

ADDRESS: 325 2ND AVE NO. GT. FALLS.

PHONE: 761-6842

REPRESENTING WHOM? CASCADE COUNTY RURAL FIRE

APPEARING ON WHICH PROPOSAL: HB 579

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: SUPPORT OF THIS BILL WILL PUT THE BURDEN
OF THE FIRE COMPANIES ON THE BACKS OF THOSE
RECEIVING THE SERVICE.

SORELY OVERLOOKED SAFETY EQUIPMENT DUE TO USING
ONLY FUNDS GENERATED VIA DONATIONS TO KEEP
FIRE HOUSE DOORS OPEN COULD THEN BE PURCHASED

THIS ADDRESSES THE STRUCTURAL FIRE SIDE OF
THE HOUSE WHICH IS THE MOST COSTLY AND NO
STATE PROGRAM HELP AID THESE COSTS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE _____
Local Government

March 10

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

50TH LEGISLATIVE SESSION
MINUTES OF THE MEETING
LOCAL GOVERNMENT
MONTANA STATE SENATE

March 12, 1987

The eighteenth meeting of the Local Government Committee was called to order at 1:00 p.m. in Room 405 of the Capitol by Vice-chairman R. J. "Dick" Pinsoneault, in the absence of Chairman Bruce D. Crippen.

ROLL CALL: All members were present with the exception of Chairman Crippen.

CONSIDERATION OF HOUSE BILL 589: Representative Francis Koehnke, Townsend, House District 32, said the bill he sponsored addresses a unique situation which occurred in March 1985, when the mayor and the entire city council of White Sulphur Springs resigned at the same time. Since there was nothing in statute providing for appointment of all the higher officials of the city at once, the Attorney General's office determined the Governor had to do it. This bill will provide for the County Commission to make the appointments.

PROPOSERS: Judy Browning of the Attorney General's office reiterated the decision to ask the Governor to make the appointments.

Elmer Schye of White Sulphur Springs, said when the mass resignations occurred it was a critical problem for the town. He urged passage of the bill in the event the problem ever occurred again.

Alec Hansen, Montana League of Cities and Towns, thought it was good to keep the appointing officials at the local level. He said the same situation nearly happened in Froid, and felt it was well for statute to cover the situation.

OPPOSERS: There were no opposers.

QUESTIONS FROM THE COMMITTEE: Senator Beck asked who would make appointments if a board of county commissioners resigned. Judy Browning said she didn't know. Senator Eck commented that it might be well to include the school board too.

DISPOSITION OF HOUSE BILL 549: Discussion on House Bill 549 indicated the committee had serious doubts on the bill. Senator Harding had a letter from the Lake County Commissioners stating their disapproval of the bill, and said letter is attached as Exhibit 5. She said it should be noted that the county commissioner from Polson did not sign the letter, and that Polson has the largest tax base in the county and would have the most benefit from the bill.

Senator Walker moved to TABLE House Bill 549. The motion CARRIED 7-2, with Senators Eck and Harding voting no.

DISPOSITION OF HOUSE BILL 579: Karen Renne, staff lawyer, distributed amendments to House Bill 579, which are attached as Exhibit 6. She said they were suggested by the firefighters and provided a way to run the fire service areas. The heart of this bill is that property owners are charged by rates imposed by the Commissioners, rather than by levy. Senator Eck moved to adopt the amendments. The motion carried unanimously.

Senator Eck moved that House Bill 579 BE CONCURRED IN, AS AMENDED. The motion CARRIED 7-2, with Senators Pinsoneault and Harding voting no. Senator Eck was assigned to carry the bill.

Senator Story moved TO RECONSIDER HOUSE BILL 579, just passed in committee. The motion CARRIED UNANIMOUSLY.

Senator Story moved to add the work "real" before property in the amendments just passed by the committee, to differentiate from trailer houses or recreational vehicles, which might be renting space on a rural property. The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL 612: Discussion showed concern by the committee regarding this bill.

Senator Crippen noted his concern that people might be treated unfairly by this bill.

Senator Beck moved to TABLE HOUSE BILL 612, later withdrawing the motion.

COUNTY COMMISSIONERS

DON PETERSON

District One

RAY HARBIN

District Two

MIKE W. HUTCHIN

District Three

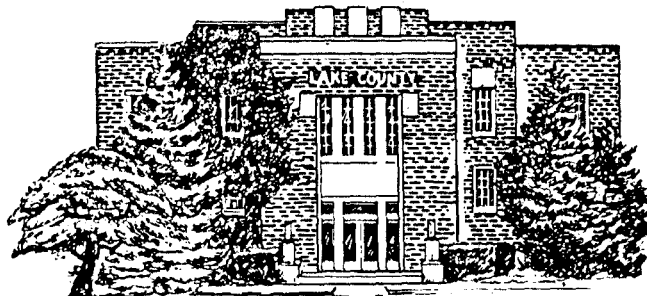
TREASURER

PATRICIA J. COOK

CLERK AND RECORDER

SURVEYOR

LORIN JACOBSON



ASSESSOR

LENORE A. ROAT

SHERIFF AND CORONER

JOE GELDRICH

CLERK OF COURT

KATHERINE E. PEDERSEN

SUPERINTENDENT OF SCHOOLS

GLENNADENE FERRELL

COUNTY ATTORNEY

LARRY J. NISTLER

JUSTICE OF THE PEACE

CHUCK WHITSON

LAKE COUNTY

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

March 9, 1987

SENATE LOCAL GOVERNMENT

EXHIBIT NO.

5

DATE

3-12-87

BILL NO.

579

Senator Ethel Harding
Capitol Station
Helena, MT 59820

Dear Senator Harding:

The Board of Lake County Commissionners would like to express our opposition to the following legislation begin presented.

H.B. 549 -- Would allow for one airport district to have a tremendous taxable value advantage due to the higher values of Flathead Lake frontage and the inclusion of such high taxable properties as Kerr Dam. This would be to the detriment of the other airports in Lake County.

H.B. 579 -- Simply creates a process which appears to us to complicate the current method and is unnecessary.

H.B. 325 -- In our opinion is a consolidation plan that would be too costly for the state to assume and would not significantly improve the services.

We realize this is very brief but we would entertain any questions by phone if necessary.

BOARD OF LAKE COUNTY COMMISSIONERS

Don Peterson, Chairman

Mike W. Hutchin
Mike W. Hutchin, Member

Ray Harbin
Ray Harbin, Member

jd

Senate Committee on Local Government

March 10, 1987

AMENDMENTS TO HOUSE BILL 579
(requested by firefighters*)

1. Page 1, line 15.

Following: "(1)"

Strike: "The"

Insert: "Upon receipt of a petition signed by at least 30 property owners of the proposed service area, or by a majority of the property owners if there are no more than 30 property owners in the proposed service area, the"

*2. Page 1, line 16.

Following: "establish"

Strike: "one or more"

Insert: "a"

Following: "districts-in"

Strike: "AREAS"

Insert: "area"

*3. Page 1, line 17.

Following: line 16

Insert: "an"

Following: "UNINCORPORATED"Strike: "AREAS"

Insert: "area"

*4. Page 2, line 9.

Strike: "(e)"

Insert: "(d)"

5. Page 3, line 2.

Following: "AREA"

Insert: ", and any assets remaining after all indebtedness has been satisfied must be returned to the owners of property within the area"

*6. Page 3, line 6.

Strike: "(a)"

Insert: "(1)"

*7. Page 3, line 9.

Strike: "(b)"

Insert: "(2)"

8. Page 3, following line 10.

Insert: "Section 3. Operation of fire districts. (1)
Whenever the board of county commissioners has established a fire service area, the commissioners may:

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HB 579

(a) govern and manage the affairs of the area; or

(b) appoint five qualified trustees to govern and manage the affairs of the area.

(2) If the commissioners appoint trustees under subsection (1), the provisions of 7-33-2105 and 7-33-2106 shall apply, except that the trustees shall prepare annual budgets and request a schedule of rates therefor."

Renumber: subsequent sections

9. Page 4, line 2.

Following: "commissioners"

Insert: "or the trustees, if the commissioners have appointed trustees under [section 3],"

10. Page 4, line 6.

Following: "7% of the"

Strike: "assessed"

Insert: "taxable"

* technical amendments, requested by Legislative Council

Senate Local Government

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Mar 12, 1988

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN			X
R. J. PINSONEAULT	X		
TOM BECK	X		
DOROTHY ECK	X		
H. "SWEDE" HAMMOND	X		
ETHEL HARDING	X		
LES HIRSCH	X		
PETER STORY	X		
ELEANOR VAUGHN	X		
MIKE WALKER	X		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 13, 1987 House Bill No. 579 Time 2 p.m.

NAME	YES	NO
BRUCE CRIPPEN	<i>Absent</i>	
R. J. PINSONEAULT		✓
TOM BECK	✓	
DOROTHY ECK	✓	
H. "SWEDE" HAMMOND	✓	
ETHEL HARDING		✓
LES HIRSCH	✓	
PETER STORY	✓	
ELEANOR VAUGHN	✓	
MIKE WALKER	✓	

Rosemary Jacoby
Secretary

Bruce Crippen
Chairman

Motion: And, as amended, he concurred in

STANDING COMMITTEE REPORT

SCR44579

March 12, 1957

MR. PRESIDENT

Local Government

We, your committee on.....

House Bill

579

having had under consideration..... No.....

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reading copy ()
color

Cobb (Walker)

ALLOW CREATION OF FIRE SERVICE AREAS--FEES FOR CERTAIN RURAL FIRE SERVICES

Respectfully report as follows: That..... House Bill..... No. 579.....

BE AMENDED AS FOLLOWS;

1. Page 1, line 15.

Following: "(1)"

Strike: "The"

Insert: "Upon receipt of a petition signed by at least 30 owners of real property in the proposed service area, or by a majority of the owners of real property if there are no more than 30 owners of real property in the proposed service area, the"

2. Page 1, line 16.

Following: "establish"

Strike: "one or more"

Insert: "a"

Following: "districts-in"

Strike: "AREAS"

Insert: "area"

Following: "WITHIN"

Insert: "an"

3. Page 1, line 17.

Following: "UNINCORPORATED"

Strike: "AREAS"

Insert: "area"

4. Page 2, line 3.

Strike: "(e)"

Insert: "(d)"

XXXXXX

XXXXXXXXXX

CONTINUED

Chairman.

March 12,

B7

19.....

5. Page 3, line 2.

Following: "AR2A"

Insert: ", and any assets remaining after all indebtedness has been satisfied must be returned to the owners of property within the area"

6. Page 3, line 6.

Strike: "(a)"

Insert: "(1)"

7. Page 3, line 9.

Strike: "(b)"

Insert: "(2)"

8. Page 3, following line 10.

Insert: "Section 3. Operation of fire districts. (1) Whenever the board of county commissioners has established a fire service area, the commissioners may:

(a) govern and manage the affairs of the area; or

(b) appoint five qualified trustees to govern and manage the affairs of the area.

(2) If the commissioners appoint trustees under subsection (1), the provisions of 7-33-2105 and 7-33-2106 shall apply, except that the trustees shall prepare annual budgets and request a schedule of rates therefor."

Renumber: subsequent sections

9. Page 4, line 2.

Following: "commissioners"

Insert: "or the trustees, if the commissioners have appointed trustees under [section 3],"

10. Page 4, line 6.

Following: "7% of the"

Strike: "assessed"

Insert: "taxable"

AND AS AMENDED
BE CONCURRED IN

Senator Crappen

HOUSE BILL NO. 579

INTRODUCED BY COBB, PISTORIA

O'CONNELL, MANUEL, MEYERS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CREATION OF A FIRE SERVICE DISTRICT AREA WITHIN UNINCORPORATED AREAS NOT PART OF A RURAL FIRE DISTRICT IN A COUNTY TO PROVIDE CAPITAL EQUIPMENT FOR EXISTING FIRE SERVICES OR TO CONTRACT FOR FIRE SERVICES FOR THE PROTECTION OF THE DISTRICT AREA; AND PROVIDING THAT THE DISTRICT AREA BE FUNDED BY RATES CHARGED TO BENEFITED STRUCTURES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Fire service district AREA -- establishment. (1) UPON RECEIPT OF A PETITION SIGNED BY AT LEAST 30 OWNERS OF REAL PROPERTY IN THE PROPOSED SERVICE AREA, OR BY A MAJORITY OF THE OWNERS OF REAL PROPERTY IF THERE ARE NO MORE THAN 30 OWNERS OF REAL PROPERTY IN THE PROPOSED SERVICE AREA, THE board of county commissioners may establish one-or-more A fire service districts-in AREAS AREA WITHIN AN UNINCORPORATED AREAS AREA NOT PART OF A RURAL FIRE DISTRICT IN the county to provide the services and equipment set forth in [section 2].

(2) To establish a district FIRE SERVICE AREA, the board shall:

(a) pass a resolution of intent to form the district AREA, with PUBLIC notice as provided in 7-1-2121 AND WRITTEN NOTICE AS PROVIDED IN 7-1-2122;

(b) hold a public hearing no earlier than 30 or later than 90 days after passage of the resolution of intent;

(c) at the public hearing:

(i) accept written protests from property owners of the area of the proposed district AREA; and

(ii) receive general protests and comments relating to the establishment of the district FIRE SERVICE AREA and its boundaries, rates, service levels, or any other matter relating to the proposed district FIRE SERVICE AREA; and

(d) pass a resolution creating the district FIRE SERVICE AREA. THE AREA IS CREATED EFFECTIVE 60 DAYS AFTER PASSAGE OF THE RESOLUTION unless by the THAT date set-for the-public-hearing more than 50% of the property owners of the proposed district FIRE SERVICE AREA protest its creation.

(3) Based on testimony received in the public hearing, the board in the resolution creating the district FIRE SERVICE AREA may establish different boundaries, establish a different fee schedule than proposed, or change the manner in which the district AREA will provide services to its residents.

(4) The board of county commissioners may alter the

boundaries or dissolve a fire service district AREA, using the same procedures required for the creation of a district FIRE SERVICE AREA. Any existing indebtedness of a district FIRE SERVICE AREA that is dissolved remains the responsibility of the owners of property within the district AREA, AND ANY ASSETS REMAINING AFTER ALL INDEBTEDNESS HAS BEEN SATISFIED MUST BE RETURNED TO THE OWNERS OF PROPERTY WITHIN THE AREA.

Section 2. District AREA services. A fire service district AREA created pursuant to [section 1] may provide residents of the district AREA with:

(a)(1) fire equipment, housing for the equipment, and related maintenance, for use by a fire service agency providing service to the area; or

(b)(2) fire protection by contracting for the services of a fire service agency.

SECTION 3. OPERATION OF FIRE DISTRICTS. (1) WHENEVER THE BOARD OF COUNTY COMMISSIONERS HAS ESTABLISHED A FIRE SERVICE AREA, THE COMMISSIONERS MAY:

(A) GOVERN AND MANAGE THE AFFAIRS OF THE AREA; OR

(B) APPOINT FIVE QUALIFIED TRUSTEES TO GOVERN AND MANAGE THE AFFAIRS OF THE AREA.

(2) IF THE COMMISSIONERS APPOINT TRUSTEES UNDER SUBSECTION (1), THE PROVISIONS OF 7-33-2105 AND 7-33-2106 SHALL APPLY, EXCEPT THAT THE TRUSTEES SHALL PREPARE ANNUAL

BUDGETS AND REQUEST A SCHEDULE OF RATES THEREFOR.

Section 4. Financing of district FIRE SERVICE AREA -- fee on structures. (1) In the resolution creating the district FIRE SERVICE AREA and by resolution as necessary thereafter, the board of county commissioners shall establish a schedule of rates to be charged owners of structures that are benefited by the fire services offered by the district FIRE SERVICE AREA.

(2) The rates must be applied on a fair and equal basis to all classes of structures benefited by the district FIRE SERVICE AREA.

(3) The board of county commissioners shall collect the funds necessary to operate the district FIRE SERVICE AREA by charging the district AREA rate as a special assessment on the owners of structures and collect the assessments with the general taxes of the county. The assessments are a lien on the property so assessed.

(4) The board of county commissioners OR THE TRUSTEES, IF THE COMMISSIONERS HAVE APPOINTED TRUSTEES UNDER [SECTION 3], may pledge the income of the district FIRE SERVICE AREA to secure financing necessary to procure fire equipment and buildings to house fire equipment. The outstanding amount of such indebtedness may not exceed 7% of the assessed TAXABLE valuation of the district AREA.

-End-

STANDING COMMITTEE REPORT

HB 579

SCRHB579

March 12, 1987

SENATE

March 12, 1987

MR. PRESIDENT

Local Government

We, your committee on.....

House Bill 579

having had under consideration..... No.....

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reading copy (color)

Cobb (Walker)

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XXXXXX

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CONTINUED

Chairman.

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Strike: "assessed"
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AND AS AMENDED
BE CONCURRED IN

Senator Crippen